

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT JACKSON

FEBRUARY 1996 SESSION

FILED
March 13, 1996
Cecil Crowson, Jr.
Appellate Court Clerk

BOBBY DEWAYNE WILCOX,)
)
 APPELLANT,)
)
)
 v.)
)
)
 STATE OF TENNESSEE,)
)
 APPELLEE.)

No. 02-C-01-9506-CC-00163
Haywood County
Dick Jerman, Jr., Judge
(Post-Conviction)

FOR THE APPELLANT:

David M. Livingston
Attorney at Law
111 Main Street, West
Brownsville, TN 38012

FOR THE APPELLEE:

Charles W. Burson
Attorney General & Reporter
450 James Robertson Parkway
Nashville, TN 37243-0497

Charlotte H. Rappuhn
Assistant Attorney General
450 James Robertson Parkway
Nashville, TN 37243-0493

Clayburn L. Peeples
District Attorney General
109 First Street, East
Trenton, TN 38382-1841

Edward L. Hardister
Assistant District Attorney General
109 First Street, East
Trenton, TN 38382-1841

OPINION FILED: _____

AFFIRMED PURSUANT TO RULE 20

Joe B. Jones, Presiding Judge

OPINION

The appellant, Bobby Dewayne Wilcox, appeals as of right from a judgment of the trial court denying his post-conviction action following an evidentiary hearing. The trial court found that the appellant received the effective assistance of counsel guaranteed by the United States and Tennessee constitutions, and the appellant voluntarily, knowingly, and intelligently entered the pleas of guilty which led to his convictions. In this Court, the appellant contends that he was not afforded his constitutional right to the effective assistance of counsel before and at the time he entered his pleas of guilty, and his pleas were not voluntarily, knowingly, and intelligently entered. The judgment of the trial court is affirmed.

The evidence adduced at the evidentiary hearing is irreconcilable. The trial court credited the testimony of the three defense attorneys who testified as state witnesses. This Court notes that the transcript of the submission hearing clearly refutes the appellant's claim that his pleas were constitutionally infirm. In summary, the evidence contained in the record does not preponderate against the judgment of the trial court.

This Court has thoroughly reviewed the record, the briefs of the parties, and the law applicable to the issues presented for review. It is the opinion of this Court that the judgment of the trial court should be affirmed pursuant to Rule 20 of this Court.

JOE B. JONES, PRESIDING JUDGE

CONCUR:

GARY R. WADE, JUDGE

JERRY L. SMITH, JUDGE